

**U.S. District Court
District of New Mexico – Version 6.2.1 (Las Cruces)
CIVIL DOCKET FOR CASE #: 2:16-cv-00506-KG-CG**

Beagles v. Watkins et al
Assigned to: District Judge Kenneth J. Gonzales
Referred to: Magistrate Judge Carmen E. Garza
Case in other court: Twelfth Judicial District Court, 16cv344
Cause: 28:1441 Petition for Removal– Declaratory Judgment

Date Filed: 06/01/2016
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Eddie Beagles

represented by **David L. Dotson**
Law Office of David L Dotson
PO Box 115
Socorro, NM 87801
575-838-3978
Email: dotsonlawoffices@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

George Watkins

Defendant

**State of New Mexico Department of
Workforce Solutions**
TERMINATED: 09/07/2017

represented by **Robert Dale Morrison**
New Mexico Department of Workforce
Solutions
PO Box 1928
Albuquerque, NM 87103
505-841-8471
Fax: 505-841-9024
Email: robertd.morrison@state.nm.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Rudolph Arnold
New Mexico Department of Workforce
Solutions
PO Box 1928
Albuquerque, NM 87103
505-841-8672
Fax: 505-841-9024
Email: rudolph.arnold@state.nm.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Shawn Stephen Cummings
Keller & Keller, LLC
505 Marquette
Suite 1300
Albuquerque, NM 87102
505-938-2300
Fax: 505-938-2301
Email: scummings@2keller.com
TERMINATED: 01/17/2017
ATTORNEY TO BE NOTICED

Defendant

Joel Saavedra

TERMINATED: 09/07/2017

Defendant**U.S. Department of Labor Wage and
Hour Division**

represented by **Manuel Lucero**
 US Attorney's Office
 District of New Mexico
 PO Box 607
 Albuquerque, NM 87103
 (505) 346-7274
 Email: manny.lucero@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/01/2016	<u>1</u>	NOTICE OF REMOVAL by U.S. Department of Labor Wage and Hour Division from Twelfth Judicial District Court, County of Otero, State of New Mexico, case number D-1215-CV-2016-00344. (Filing Fee – Waived), filed by U.S. Department of Labor Wage and Hour Division. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2)(Lucero, Manuel) (Entered: 06/01/2016)
06/01/2016		Office code correction. Case office code has been changed from 1 (Albuquerque) to 2 (Las Cruces). (kdh) (Entered: 06/01/2016)
06/01/2016		Magistrate Judge Gregory J. Fouratt and Magistrate Judge Carmen E. Garza assigned. (kdh) (Entered: 06/01/2016)
06/01/2016	<u>2</u>	PLEASE TAKE NOTICE that this case has been randomly assigned to United States Magistrate Judge Gregory J. Fouratt to conduct dispositive proceedings in this matter, including motions and trial. Appeal from a judgment entered by a Magistrate Judge will be to the United States Court of Appeals for the Tenth Circuit. It is the responsibility of the case filer to serve a copy of this Notice upon all parties with the summons and complaint. <i>Consent is strictly voluntary, and a party is free to withhold consent without adverse consequences. Should a party choose to consent, notice should be made no later than 21 days after entry of the Order setting the Rule 16 Initial Scheduling Conference.</i> For e-filers, visit our Web site at www.nmd.uscourts.gov for more information and instructions. [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (kdh) (Entered: 06/01/2016)
06/08/2016	<u>3</u>	NOTICE by U.S. Department of Labor Wage and Hour Division of <i>Filing Copies of State Court Records</i> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8) (Lucero, Manuel) (Entered: 06/08/2016)
06/10/2016	<u>4</u>	MOTION to Dismiss <i>for lack of subject matter jurisdiction</i> by Joel Saavedra, U.S. Department of Labor Wage and Hour Division. (Lucero, Manuel) (Entered: 06/10/2016)
06/10/2016	<u>5</u>	MEMORANDUM in Support re <u>4</u> MOTION to Dismiss <i>for lack of subject matter jurisdiction</i> filed by Joel Saavedra, U.S. Department of Labor Wage and Hour Division. (Lucero, Manuel) (Entered: 06/10/2016)
06/17/2016	<u>6</u>	<i>Answer and Affirmative Defenses to Complaint for Writ of Mandamus and/or Declaratory Relief</i> ANSWER to Complaint (Notice of Removal) by State of New Mexico Department of Workforce Solutions. (Arnold, Rudolph) (Entered: 06/17/2016)
06/17/2016	<u>7</u>	NOTICE of Appearance by Rudolph Arnold on behalf of State of New Mexico Department of Workforce Solutions (Arnold, Rudolph) (Entered: 06/17/2016)
06/22/2016	<u>8</u>	RESPONSE in Opposition re <u>4</u> MOTION to Dismiss <i>for lack of subject matter jurisdiction</i> filed by Eddie Beagles. (Dotson, David) (Entered: 06/22/2016)
06/22/2016	<u>9</u>	MEMORANDUM in Support re <u>4</u> MOTION to Dismiss <i>for lack of subject matter jurisdiction</i> filed by Eddie Beagles. (Attachments: # <u>1</u> Exhibit Exhibit A) (Dotson,

		David) (Entered: 06/22/2016)
06/23/2016	<u>10</u>	NOTICE OF CONSENT SUBMISSION DEADLINE: Pursuant to Fed. R. Civ. P. 73(b)(2), the parties are reminded that a magistrate judge was assigned as the trial judge in this matter under 28 U.S.C. 636(c). The parties are advised that the Clerk will reassign this matter to a district judge as the trial judge no later than 10 days from the entry of this notice unless consents from all parties have been filed. The parties are free to withhold consent. <i>If you have already entered your consent, you need not resubmit.</i> (kdj) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 06/23/2016)
06/23/2016	<u>12</u>	PLEASE TAKE NOTICE that this case has been reassigned to District Judge Kenneth J. Gonzales as the trial judge. Under D.N.M.LR-Civ. 10.1, the first page of each document must have the case file number and initials of the assigned judges. <i>Accordingly, further documents filed in this matter must bear the case number and the judges' initials shown in the case caption and the NEF for this document.</i> Kindly reflect this change in your filings. Magistrate Judge Gregory J. Fouratt no longer assigned to this case. [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (iam) (Entered: 06/23/2016)
06/24/2016	<u>13</u>	NOTICE REGARDING DOCUMENT ENTRIES: Because this case has been reassigned to a district judge, please be advised that any documents filed by the parties under Rule 73(b) have been permanently removed from the docket. Document(s) removed: no. 11. [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (hbs) (Entered: 06/24/2016)
06/30/2016	<u>14</u>	NOTICE of Appearance by Shawn Stephen Cummings on behalf of State of New Mexico Department of Workforce Solutions (Cummings, Shawn) (Entered: 06/30/2016)
07/11/2016	<u>15</u>	REPLY to Response to Motion re <u>4</u> MOTION to Dismiss <i>for lack of subject matter jurisdiction</i> filed by Joel Saavedra, U.S. Department of Labor Wage and Hour Division. (Lucero, Manuel) (Entered: 07/11/2016)
07/11/2016	<u>16</u>	NOTICE of Briefing Complete by Joel Saavedra, U.S. Department of Labor Wage and Hour Division re <u>4</u> MOTION to Dismiss <i>for lack of subject matter jurisdiction</i> filed by Joel Saavedra, U.S. Department of Labor Wage and Hour Division (Lucero, Manuel) (Entered: 07/11/2016)
01/17/2017	<u>17</u>	NOTICE of Attorney Substitution: Robert Dale Morrison substituted for Rudolph P. Arnold (Morrison, Robert) (Entered: 01/17/2017)
01/17/2017	<u>18</u>	MOTION for Summary Judgment by State of New Mexico Department of Workforce Solutions. (Morrison, Robert) (Entered: 01/17/2017)
01/17/2017	<u>19</u>	AFFIDAVIT by State of New Mexico Department of Workforce Solutions (Morrison, Robert) (Entered: 01/17/2017)
01/17/2017	<u>20</u>	MEMORANDUM in Support re <u>18</u> MOTION for Summary Judgment , <u>19</u> Affidavit filed by State of New Mexico Department of Workforce Solutions. (Morrison, Robert) (Entered: 01/17/2017)
02/21/2017	<u>21</u>	NOTICE of Briefing Complete by State of New Mexico Department of Workforce Solutions re <u>18</u> MOTION for Summary Judgment filed by State of New Mexico Department of Workforce Solutions (Morrison, Robert) (Entered: 02/21/2017)
03/01/2017	<u>22</u>	MOTION for Supplement by State of New Mexico Department of Workforce Solutions. (Morrison, Robert) (Entered: 03/01/2017)
03/14/2017	<u>23</u>	NOTICE of Briefing Complete by State of New Mexico Department of Workforce Solutions re <u>22</u> MOTION for Supplement filed by State of New Mexico Department of

		Workforce Solutions (Morrison, Robert) (Entered: 03/14/2017)
09/06/2017	<u>24</u>	MEMORANDUM OPINION AND ORDER by District Judge Kenneth J. Gonzales granting, in part, <u>4</u> Defendants Joel Saavedra and the U.S. Department of Labor Wage and Hour Division's Motion to Dismiss. (tah) (Entered: 09/06/2017)
09/06/2017	<u>25</u>	MEMORANDUM OPINION AND ORDER by District Judge Kenneth J. Gonzales granting <u>18</u> New Mexico Department of Workforce Solutions' Motion for Summary Judgment. (tah) (Entered: 09/06/2017)
09/06/2017	<u>26</u>	ORDER OF PARTIAL DISMISSAL by District Judge Kenneth J. Gonzales. <i>See</i> <u>24</u> Memorandum Opinion and Order. (tah) (Entered: 09/07/2017)
09/06/2017	<u>27</u>	SUMMARY JUDGMENT by District Judge Kenneth J. Gonzales In favor of Defendant New Mexico Department of Workforce Solutions. (tah) (Entered: 09/07/2017)
08/30/2018	<u>28</u>	ORDER to File Status Report by Chief Magistrate Judge Carmen E. Garza. Status Report due September 13, 2018. (ag) (Entered: 08/30/2018)
09/13/2018	<u>29</u>	Joint Status Report by Eddie Beagles (Dotson, David) (Entered: 09/13/2018)
09/14/2018	<u>30</u>	STATUS REPORT by U.S. Department of Labor Wage and Hour Division (Lucero, Manuel) (Entered: 09/14/2018)
09/17/2018	<u>31</u>	ORDER Setting Telephonic Status Conference for 9/25/2018 at 02:00 PM before Chief Magistrate Judge Carmen E. Garza. [Parties shall call Judge Garza's Meet Me line at (505) 348-2693 to be connected to the proceedings.] This line can only accommodate up to five telephone lines, including the Court's; if the parties anticipate that they will exceed this capacity, they must contact the Court immediately so that alternative arrangements may be made. (ag) (Entered: 09/17/2018)
09/25/2018	<u>32</u>	Clerk's Minutes for proceedings held before Chief Magistrate Judge Carmen E. Garza: Status Conference held on 9/25/2018. (ag) (Entered: 09/26/2018)
09/26/2018	<u>33</u>	ORDER setting Briefing Schedule by Chief Magistrate Judge Carmen E. Garza. (ag) (Entered: 09/26/2018)
10/18/2018	<u>34</u>	MOTION for Summary Judgment by Eddie Beagles. (Dotson, David) (Entered: 10/18/2018)
11/08/2018	<u>35</u>	RESPONSE in Opposition re <u>34</u> MOTION for Summary Judgment <i>and Defendants Cross Motion for Summary Judgment</i> filed by U.S. Department of Labor Wage and Hour Division. (Attachments: # <u>1</u> Exhibit 1. FOIA request, # <u>2</u> Exhibit 2. Response to request, # <u>3</u> Exhibit 3. Follow up request, # <u>4</u> Exhibit 4. Response by Defendant, # <u>5</u> Exhibit 5. Appeal, # <u>6</u> Exhibit 5a. Specific Documents relating to appeal, # <u>7</u> Exhibit 6. Reply of receipt of appeal, # <u>8</u> Exhibit 7. Responsive documents, # <u>9</u> Exhibit 8. Vaughn Index) (Lucero, Manuel) (Entered: 11/08/2018)
11/26/2018	<u>36</u>	STIPULATION re <u>33</u> Order <i>For Extension of Time to File Reply</i> by Eddie Beagles (Dotson, David) (Entered: 11/26/2018)
11/27/2018	<u>37</u>	ORDER Granting <u>36</u> Motion for Extension of Time to File Reply by Chief Magistrate Judge Carmen E. Garza. Plaintiff's Reply is now due to the Court on or before 12/7/2018 . Defendant's Reply is now due to the Court on or before 12/28/2018 . (ag) (Entered: 11/27/2018)
12/07/2018	<u>38</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>33</u> Order, <u>34</u> MOTION for Summary Judgment, <u>35</u> Response in Opposition to Motion., by U.S. Department of Labor Wage and Hour Division. (Lucero, Manuel) (Entered: 12/07/2018)
12/07/2018	<u>39</u>	ORDER granting <u>38</u> Motion for Extension of Time to File Response/Reply by Chief Magistrate Judge Carmen E. Garza. Plaintiff's Reply is due to the Court on or before December 21, 2018 . Defendant's Reply is due to the Court on or before January 11, 2019 . (ag) (Entered: 12/07/2018)
12/21/2018	<u>40</u>	RESPONSE in Opposition re <u>18</u> MOTION for Summary Judgment, <u>38</u> Unopposed MOTION for Extension of Time to File Response/Reply as to <u>33</u> Order, <u>34</u> MOTION

		for Summary Judgment , <u>35</u> Response in Opposition to Motion,, filed by Eddie Beagles. (Attachments: # <u>1</u> Exhibit FOIA appeal, # <u>2</u> Exhibit FOIA appeal continued) (Dotson, David) (Entered: 12/21/2018)
--	--	---